

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STEVE DINWIDDIE,

Plaintiff,

v.

MARK S. CARICH and JOHN EVANS,

Defendants.

Case No. 11-cv-127-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Steve Dinwiddie's motion to "dismiss" the filing fee assessed against him when he filed this case (Doc. 32). Dinwiddie filed this case in February 2011, was assessed an initial partial filing fee and directed to make further monthly payments. Judge G. Patrick Murphy entered judgment against him and dismissed this case with prejudice in September 2012. Dinwiddie now asks the Court to essentially vacate the order assessing him a filing fee for this case because it presents a financial hardship. The Court cannot do this. A prisoner plaintiff incurs the obligation to pay the filing fee when he files his case, and that fee cannot be cancelled or refunded once the plaintiff loses that case. *See Newlin v. Helman*, 123 F.3d 429, 434 (7th Cir. 1997) (appellate filing fee incurred when notice of appeal filed), *rev'd on other grounds by Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000); *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000). Accordingly, the Court **DENIES** Dinwiddie's motion (Doc. 32).

IT IS SO ORDERED.

DATED: August 25, 2014

s/J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**